REMARKS

This Amendment is filed in response to the Official Action dated April 18, 2005. In this Amendment, claims 9, 21 and 29 are amended and claims 10-16, 22-28, and 30-36 are unchanged. Claims 1-8 and 17-20 were canceled previously. Upon entry of this Amendment, claims 9-16 and 21-36 shall remain pending.

I. REJECTIONS UNDER 35 U.S.C. SECTION 103(a)

Claims 9-16 and 21-36 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over US 6,328,446 to *Bhalakia* et al. ("*Bhalakia*") in view of US 5,751,481 to *Dalzell* et al. ("*Dalzell*"). The applicant respectfully traverses these rejections.

In the Examiner's response to the Applicant's previous arguments, the Examiner contends that, given the disclosure in *Dalzell*, one of ordinary skill in the art would have realized that an optically isotropic laminate would have been advantageous in the fabrication of an injection molded lens such as disclosed in *Bhalakia*. The Examiner further contends that there is nothing in *Bhalakia* that would suggest that the laminate employed therein is in fact not optically isotropic, thus justifying the combination of Dalzell and Bhalakia. The Applicant respectfully disagrees with these contentions for at least the following reasons:

1. *Bhalakia* teaches away from using an optically isotropic laminate.

Applicant concedes that much of the descriptive text in *Bhalakia* is silent as to whether the laminates used are optically isotropic. However, mere silence does not rise to a level of *prima facie* obviousness. At best the descriptive text is merely neutral, favoring neither type of laminate as opposed to all types of laminates as the Examiner seems to suggest. Moreover, although the descriptive text may be silent as to isotropicity, the specific examples set forth in the specification of *Bhalakia* are not. In each of the examples of Bhalakia, the polarizing plate undergoes monoaxial stretching. And as is understood to one of ordinary skill in the art, monoaxial stretching induces controlled optical anisotropicity, i.e. it induces the opposite of isotropicity as claimed. Thus, taking the entire disclosure of *Bhalakia* (and not just the descriptive text) it is clearly evident that the prevailing teaching of Bhalakia is away from the use of an optically isotropic sheet as claimed and instead clearly favors the use of a sheet having optical anisotropicity..

2. Combining *Bhalakia* and *Dalzell* fails to address obstacles overcome by the inventors of the present invention.

The difficulties overcome by the present invention relate in large part to the exposing of an optically isotropic laminate to the high temperature conditions required to thermally fuse a polycarbonate lens base in an injection molded process without disrupting or damaging the optical qualities of the isotropic laminate. *Dalzell* says nothing of this problem and appears to be devoted solely to processes where the laminate undergoes cold working. Indeed, it seems quite likely that it is the known problems of how high heat impacts isotropicity that Dalzell avoids discussing any processes using high heat in the first place..

In this regard, it must be noted that there are very few transparent polymeric materials that are optically isotropic or even close to being optically isotropic. More notable about this, however, is that the melting or softening temperatures of such optically isotropic materials is generally much lower than that of the molten polycarbonate used as the base lens in an injection molded process. Indeed, the softening temperature for optically isotropc materials is typically 30 °F or more lower than that of the molten polycarbonate thus creating a serious challenge to the compatibility of optically isotropic materials with molten polycarbonate in an injection molding process. As a result, thermally fusing an optically isotropic laminate to a polycarbonate lens base in an injection molding process wherein the polycarbonate is in a heated molten state is simply a difficulty not contemplated, let alone solved, by either *Bhalakia* or *Dalzell.* (either singly or in combination with each other)

Indeed, it was not until the inventors of the present invention contemplated separating the optically isotropic protective layer from the hot polycarbonate lens base with both the functional layer and the support layer as claimed, that this problem was addressed. And in this regard, in order to clarify one of the aspects of the invention that led to this success, Claims 9, 21 and 29 are amended so that polycarbonate is now specifically recited as being the lens base material. The addition of this recitation clarifies that the invention solves the incompatibility problem that otherwise would prevail in this injection molding process. And because neither reference addresses this problem, nor provides this solution, it is inappropriate to combine *Bhalakia* and *Dalzell* to make a rejection There is simply no motivation to do so.

One skilled in the art would not look to *Dalzell* to modify the teachings of *Bhalakia*. Rather, one skilled in the art would find it counter-intuitive to use the materials taught by *Dalzell* (cellulose acetate, cellulose acetate-butyrate or cellulose triacetate laminated to a polarizing layer) in the *Bhalakia* process because it would be expected that the *Dalzell* materials would lead to birefringence due to the high temperatures of the *Bhalakia* process, especially since *Bhalakia* teaches the use of a molten polycarbonate base material.

The Applicant has thus shown that the claims, as amended, are in condition for allowance over Bhalakia and Dalzell. Bhalakia and Dalzell simply do not address the temperature problems overcome by the claimed invention. Moreover, it has been shown that Bhalakia effectively teaches away from optically isotropic laminates.

CONCLUSION

In view of the foregoing, it is submitted that pending claims 9-16 and 21-36 are now in condition for allowance. Hence entry of this after-final amendment is proper and an indication of allowability is hereby requested.

If for any reason direct communication with Applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is cordially urged to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

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James W. Inskeep, Esq.
Registration No. 33,910

INSKEEP INTELLECTUAL PROPERTY GROUP, INC.
1225 W. 190th Street, Suite 205
Gardena, CA 90248
Telephone: (310) 217-6220
Facsimile: (310) 327-0282

Customer No. 37,374